

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/288,229	FERGUSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tilahun B Gesesse	2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/28/05.
2. ☒ The allowed claim(s) is/are 1-12 and 49.
3. ☒ The drawings filed on 4/23/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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## **DETAILED ACTION**

### **Status of claims**

1. This is in response to applicant's amendment to after final filed April 28, 2005, in which claims 13-48 have been deleted and claims 1-12 and 49 are pending.
2. after further search and thorough examination of the present application and in view of applicant's amendment, claims 1-12 and 49 are found to be in condition for allowance.

### ***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance: the prior art Kim (US 6,438,119) and Jawanda (US 6,243,581), Kim disclose a method for accessing data from a network via a wireless communication link (fig.4), the method comprising the steps of: at a subscriber transceiver in a hold state when no channels are allocated for sending payload data request (413), the payload data intended to be transmitted over the wireless communication link (column 10 lines 4-11 and fig.4). Kim also discloses in response to detecting a presence of the message (see fig.2B), requesting use of a first traffic channel by sending a traffic channel allocation request message (411 of fig.4), the first traffic channel including traffic channels that the subscriber transceiver uses to transmit the payload data over the wireless communication link to a base station transceiver (column 10, lines 29-41 and fig.4) and transmitting the payload data over the first set of traffic channels to the base station transceiver active state supplemental channel release response (425) (column 10, lines 30-41 and figure 4).

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Kim does not expressly disclose the mobile station interfaces a computer device. And, Jawanda discloses a mobile terminal that interfaces with network and establishes a communication by requesting a connection with base station (30) (co1. 4 lines 31-60 and figures 1 and 4).

On the other hand, the present application specifically teaches at a subscriber transceiver in 'an idle mode when no channels are allocated for sending payload data, determining whether at least a-portion of payload data has been received from a computer device, the payload data intended to be transmitted over the wireless communication link; and transmitting a first portion of the payload data over a first traffic channel to the base station transceiver; and transmitting a second portion of the payload data over a second traffic channel to the base station transceiver. These limitations , in conjunction with all other limitation of the independent claims, have not been disclosed, taught or made obvious over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TILAHUN GESESSE  
PRIMARY EXAMINER